

IN THE DRAWINGS

Please replace drawing sheet 1 with the enclosed replacement sheet. Replacement sheet 1 contains a legend that identifies Figures 1 and 1A as prior art. This renders moot the objection cited in point 2 of the Office Action

REMARKS

Applicant has amended the paragraph that begins at page 13, line 5 in the specification. The amended paragraph removes reference to claim 1 and dependant claims in the specification and provides a proper disclosure of the claimed invention. This renders moot the Examiner's objection cited in point 1 of the Office Action.

Applicant has provided a corrected drawing. Replacement sheet 1 contains a legend that identifies Figures 1 and 1A as prior art. This renders moot the objection cited in point 2 of the Office Action.

Applicant has amended claim 1 and 6 to overcome the Examiner's previous rejections. Claim 1 has been amended to include recitation of a second movable structure (8) in order to clarify its distinctiveness from structure (20). Claim 1 was also amended to clarify support roller (22) and provide a proper indefinite article. Claim 1 was further amended to clarify the interaction between "structure (20)" and "second movable structure (8)". Claim 6 was amended to clarify the distinction between the roller connected to the second movable structure (8) and those connected to the structure (20). This renders moot the Examiner's rejection under 35 U.S.C. § 112, second paragraph.

The Examiner rejected claims 1-11 under 35 U.S.C. 103(a) as unpatentable over Shelby et al. (U.S. Patent No. 3,938,851, herein '851 patent) in view of Purcell et al. (U.S. Patent No. 3,774,708, herein '708 patent). Specifically, it is the Examiner's position that the '851 patent teaches all the limitations of claims 1-11 except for a track tightening device comprising an internal movable supporting structure for supporting both idler wheel and with supporting rollers. When this disclosure is combined with the disclosure of '708 patent, the Examiner believes that the present invention has been rendered obvious in light of skill in the art.

Applicant respectfully disagrees.

It is the Applicant's position that the Examiner has not demonstrated a valid basis for combining the two cited references. There is no suggestion or motivation to combine the references in the way described by the Examiner.

Alternatively, the Applicant argues that even if it were proper to combine the references, which the Applicant does not concede, the resulting device would not achieve the present invention.

The '708 patent discloses a triangular track resilient bogie suspension in which the bogies (27) are pivotally mounted on the other ends of the cranks (23). The bogies in turn carry pairs of track rollers (28) which support the vehicle. col 3, lns 8-10. This disclosure allows the front and rear idlers to pivot forward and backward when the vehicle is driven over rough terrain or obstacles, but also the assembly allows the bogey (27) mounted on the same crank (23) to pivot. This in turn means that the amount of track supported by the rollers varies during movement of the bogey. This is not the novelty of the present invention.

The novelty of the present invention is that the amount of track that is unsupported or supported by the supporting wheels remains constant. This remains true for any operating condition, including going over rough terrain and obstacles. This is accomplished by the joint action of idler wheel (3) and supporting wheel (22) as described in claim 1. The prior art does not have this design recitation. Any combination of the prior art would fail to yield the present invention because altering the design of the wheel and track found in the '708 patent would teach away from the disclosed feature of pivoting in rough conditions.

The cited prior art lacks the ability to achieve the present invention alone or when combined. Additionally, there is no valid suggestion or motivation

to combine the references in a way that explicitly achieves the invention. The Examiner merely states that the present invention is known in the art and offers the '708 patent as proof of the existence in the art of track-tightening devices that maintain consistent support of the track regardless of the conditions. The present invention solves an inherent problem in the design of the '708 patent and all other prior art patents. The present invention minimizes the length of unsupported track and does not allow the track to deform under conditions of major stress.

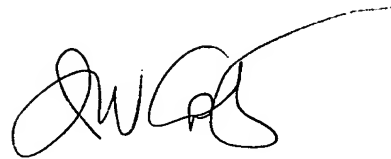
The '851 patent does not disclose the capability or structure of the claimed invention. The '851 patent uses a fluid filled cylinder to obtain the track-tightening objective. col 5, line 10-15. The present invention does not use a hydraulic piston to maintain tension in the track. The claimed invention uses a spring to maintain tension, which is far lighter and easier to use than the '851 patent. Additionally, the '851 patent does not disclose a movable support structure for the idler wheels. The Examiner asserts that it would have been obvious to combine the disclosure of the '851 patent with the '708 patent, but the Examiner has not provided the proper motivation. There is no motivation found in the '851 patent to suggest that it would have been obvious to add a supporting structure, let alone one that contains both the support wheel and the idler wheel in constant contact. In fact the '851 patent does not teach any method of track support. It merely concerns tightening of track.

The Resulting combination of the '851 and '708 patents would not achieve the present invention. The combination would either possess a hydraulic piston or it would lack a movable support structure. Even if the combination produced a device with a spring and a movable support structure, the resulting device would still lack the close and consistent contact between the idler and support wheels, which gives the present invention its novelty. For that reason it is requested that this ground of rejection be withdrawn.

Conclusion

An early and favorable action is earnestly solicited.

Respectfully Submitted,



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